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TONY R. MOORE, CLERK
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA, LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

UNITED STATES OF AMERICA

CIVIL ACTION 1:13-CR-00090-02

VERSUS

CHIEF JUDGE DRELL

DONTOUR D. DRAKES

MAGISTRATE JUDGE PEREZ-MONTES

J U D G M E N T

For the reasons contained in the Report and Recommendation of the Magistrate Judge previously filed herein, noting the absence of objections thereto, and concurring with the Magistrate Judge's findings under the applicable law:

IT IS ORDERED that Drakes's § 2255 motion to vacate, set aside, or correct sentence (Doc. 413) is DENIED AND DISMISSED WITH PREJUDICE.

IT IS FURTHER ORDERED that Drakes's motion for an evidentiary hearing (Doc. 414) is DENIED AS MOOT.

Additionally, the Court notes the copy of the report and recommendation mailed August 28, 2018 to Mr. Drakes's last known address was returned to the Clerk of Court on September 5, 2017, marked "return to sender." More than thirty days have passed since September 5, 2017, but no correction of defendant's address has been received by the Court. Therefore, dismissal for failure to prosecute under Local Rule 41.3W of the Uniform District Court Rules is also appropriate.

THUS ORDERED AND SIGNED in Chambers at Alexandria, Louisiana on this 9th day of October, 2017.


CHIEF JUDGE DEE D. DRELL
UNITED STATES DISTRICT COURT